

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MISSOURI

WAIVER OF SERVICE OF SUMMONS

Michael J. Burgess

Plaintiff

v.

Case Number: 07-5110-CV-SW-JCE

Spin Master, LTD

Defendant

TO: Ralph K. Phalen

Name of Plaintiff's Attorney or Unrepresented Plaintiff

I acknowledge receipt of your request that I waive service of a summons in the above action, in the United States District Court for the Western District of Missouri. I have also received a copy of the complaint in the action, two copies of this instrument, and a means by which I can return the signed waiver to you without cost to me.

I agree to save the cost of service of a summons and an additional copy of the complaint in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) be served with judicial process in the manner provided by Rule 4.

I (or the entity on whose behalf I am acting) will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the court except for objections based on a defect in the summons or in the service of the summons.

I understand that a judgment may be entered against me (or the party on whose behalf I am acting) if an answer or motion under Rule 12 is not served upon you within 60 days after 1-3-08, or within 90 days after

Date request was sent

that date if the request was sent outside the United States.

January 9, 2008

Date

Signature

Holly Pavling Smith

Printed/Typed Name

Shook, Hardy & Bacon LLP

Street Address

2555 Grand Boulevard

Kansas City, MO 64108

City/State/Zip

Spin Master, Ltd.

Party Represented

816-474-6550

51340

Telephone Number

Bar #